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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 UNITED STATES OF AMERICA,

No. CR 93-0060 SI

9 Plaintiff,

**ORDER DENYING DEFENDANT'S  
MOTION TO EXPUNGE HIS  
CONVICTION**

10 v.

11 FRANCIS OKUNGBOWA,

12 Defendant.  
13 \_\_\_\_\_/

14 On January 28, 2011, defendant Francis Okungbowa submitted a letter to this Court requesting  
15 that his conviction in this matter be expunged from his record. This Court, however, possesses  
16 jurisdiction only to expunge the records of unlawful convictions. *See United States v. Sumner*, 226 F.3d  
17 1005, 1014 (9th Cir. 2000). As the Ninth Circuit stated in *Sumner*: “We do not agree . . . that a district  
18 court has the power to expunge a record of a valid arrest and conviction solely for equitable  
19 considerations. In our view, a district court’s ancillary jurisdiction is limited to expunging the record  
20 of an unlawful arrest or conviction, or to correcting a clerical error.” *Id.*; *see also United States v.*  
21 *Crowell*, 374 F.3d 790, 796 (9th Cir. 2004) (“Having been lawfully convicted, if Crowell wishes to  
22 expunge the records of her conviction, she must first obtain a judgment that her conviction was  
23 unlawful.”).

24 Okungbowa’s letter includes no argument that his conviction was unlawful. Rather, he seeks  
25 to have the records of his conviction expunged because he has not reoffended since his conviction. This  
26 falls into the category of “equitable considerations,” and the Court therefore lacks jurisdiction to  
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entertain his request.<sup>1</sup>

**CONCLUSION**

For the foregoing reasons, the Court DISMISSES Okungbowa's request for lack of jurisdiction.

**IT IS SO ORDERED.**

Dated: March 28, 2011



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SUSAN ILLSTON  
United States District Judge

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<sup>1</sup> Should Okungbowa wish to obtain a ruling that his conviction was unlawful, the Ninth Circuit's decision in *Crowell* exhaustively discusses the procedural mechanisms available to him. *See Crowell*, 374 F.3d at 794-97. .